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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CASE NO. 2:00-cr-0229 MCE
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	CONTINUING STATUS CONFERENCE RE
v.	)	JUDGMENT AND SENTENCING ON
	)	REMAND
HERBERT A. BATES, and	)	
DAVID L. SMITH,	)	
	)	DATE: April 25, 2006
Defendants.	)	TIME: 8:30 a.m.
	)	COURT: Morrison C. England, Jr.

On January 6, 2006, the Court issued a minute order scheduling a status conference regarding judgment and sentencing for February 28, 2006 at 8:30 a.m. to address the matter of the remand pursuant to United States v. Ameline, 409 F.3d 1073 (9th Cir. 2005) (en banc). Both defendants have filed petitions for certiorari, and both prosecutors have scheduling conflicts with the status date.

Accordingly, the parties stipulate that the status conference may be continued to April 25, 2006, at 8:30 a.m.

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Counsel for both defendants have reviewed this stipulation and have authorized Ms. Spangler to sign on their behalf.

DATED: February 3, 2006

McGREGOR W. SCOTT  
United States Attorney

by /s/ Samantha S. Spangler  
Samantha S. Spangler  
Assistant U.S. Attorney

DATED: February 3, 2006

for /s/ Samantha S. Spangler  
Victor S. Haltom  
Counsel for Defendant  
Herbert A. Bates

DATED: February 3, 2006

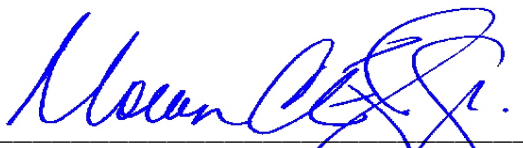
for /s/ Samantha S. Spangler  
John P. Balazs  
Counsel for Defendant  
David Larry Smith

Order

Good cause appearing, the status conference regarding judgment and sentencing following remand pursuant to Ameline is continued to April 25, 2006 at 8:30 a.m.

IT IS SO ORDERED.

DATED: February 7, 2006

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE